IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WP(C).No. 10335 of 2007(E)

PETITIONER:

K.S.PRASAD,AGED 41 YEARS,S/O.SIVARAMAN,
KADECKAL HOUSE,PERUMPILLY P.O,MULANTHURUTHY,
ERNAKULAM DISTRICT.PIN-682 314.

BY ADV. SRI.VARGHESE P. CHACKO

RESPONDENTS:

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1. THE DEPUTY TAHSILDAR (R.R),KANAYANOOR TALUK,ERNAKULAM,KOCHI-682 011.REP.BY THE GOVT. PLEADER,HIGH COURT OF KERALA.

2. THE SECRETARY,DISTRICT PANCHAYATH ERNAKULAM,KOCHI-682 011 REP.BY THE GOVT.PLEADER HIGH COURT OF KERALA.

3. THE VILLAGE OFFICER MULANTHURUTHY VILLAGE OFFICE,MULANTHURUTHY P.O,ERNAKULAM DISTRICT.PIN-682 314.

BY GOVERNMENT PLEADER SMT. PUSHPALATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX:

PETITIONER'S EXHIBITS:

EXT.P1-THE DEMAND NOTICE, DATED 6-3-2007 ISSUED BY THE IST RESPONDENT TO THE PETITIONER.

EXT.P1A- THE DEMAND NOTICE, DATED 6-3-2007 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.

TRUE COPY

P.A.TO JUDGE.

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.10335 of 2007-E

Dated this the 4th day of April, 2007

JUDGMENT

The petitioner is challenging Exts.P1 and P1(a) revenue recovery notices issued under Sections 7 and 34 of the Kerala Revenue Recovery Act. He has been called upon to pay Rs.1,12,100/- plus interest as per the Rules and 5% collection charges. From the notice, it would appear that the amount is payable by the petitioner in connection with the implementation of Kavumugal Drinking Water Project. The petitioner submits, he has got nothing to do with that project. He was never elected as the convener of the beneficiary which executed the agreement. He is a total stranger to the same. Therefore, this writ petition is filed challenging Exts.P1 and P1(a) and seeking other consequential reliefs.

2. The learned Government Pleader, made available to me the files. The files would show that there was another beneficiary committee, the convener of which was a different person. Subsequently, a new committee was elected and the petitioner was its convener. He has executed an agreement undertaking to do the work. But, the learned counsel for the petitioner would point out that the petitioner is a civil contractor and he has been persuaded to sign the agreement and thereafter he has not done anything and he has not

been paid anything. Therefore, he is not liable to pay the amount.

3. I think the above disputed question cannot be gone into in this writ petition. The files have a different story to tell from the one stated by the petitioner in the writ petition. I am not expressing any final opinion on it. The petitioner may move the Civil Court for appropriate reliefs against the requisitioning authority based on whose requisition the revenue recovery officials have moved the petitioner. If the requisitioning authority is impounded from proceeding with the claim, he will be compelled to inform the revenue recovery officials not to make any further recovery. No ..... under the Revenue Recovery Act will not apply to the petitioner for moving the Civil Court and seeking appropriate reliefs. The writ petition is dismissed, without prejudice to the contentions of the petitioner.

K.BALAKRISHNAN NAIR, JUDGE.

MS